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UNITED STATES OF AMERICA, *et al.*,

Petitioners,

v.

STATE OF TEXAS, *et al.*,

Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

BRIEF OF *AMICI CURIAE* MEMBERS OF THE BUSINESS COMMUNITY IN SUPPORT OF PETITIONERS

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Plyler v. Doe,
457 U.S. 202 (1982) 18

Wisconsin v. Yoder,
406 U.S. 205 (1972) 18

Rules

Supreme Court Rule 37.2(a) 1

Supreme Court Rule 37.6 1

Other Authorities

Alfonso Serrano, *Bitter Harvest: U.S. Farmers Blame Billion-Dollar Losses on Immigration Laws*, Time Mag. (Sept. 21 2012), http://goo.gl/hJ6sGW. 13

Alia Wong, *Where Are All the High-School Grads Going?*, Atlantic, Jan. 11, 2016, http://goo.gl/BbKJzM/ 22

Anonymous, *I'm an Illegal Immigrant at Harvard*, Daily Beast, Nov. 27, 2010, 2:23 PM, http://goo.gl/xFPlpR 23

Annette Bernhardt et al., *Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in America's Cities* (2009), *available at* http://goo.gl/4m0hTn 16

Anthony P. Carnevale et al., *The College Payoff: Education, Occupations, Lifetime Earnings*, Georgetown University Center on Education & Workforce (2011)..... 21

Ben Gitis & Douglas Holtz-Eakin, American Action Forum, *How Changes in Immigration Can Impact Future Worker Shortages in the United States and Silicon Valley* (Oct. 23, 2015), http://goo.gl/MhLBxQ. 8

Dan-el Padilla Peralta, *Undocumented: A Dominican Boy's Odyssey From A Homeless Shelter To The Ivy League* (2015) 23, 24

David Montgomery, *In 'Risers,' young immigrants who are turning dreams into reality*, Wash. Post, May 31, 2015 23

Doug Elmendorf, *Effects on Economic Growth of Federal Investment and Reductions in Federal Deficits and Debt*, Congressional Budget Office (June 20, 2014), https://goo.gl/zOZO1W..... 27

Dowell Myers et al., Center for American Progress, *The Contributions of Immigrants and Their Children to the*

American Workforce and Jobs of the Future (2013), https://goo.gl/8dBk9T 7

Frank D. Bean et al., *Mexican Immigrant Political and Economic Incorporation*, 4 Pol. Sci. & Pol. 311 (2006) 29

Giovanni Peri, *The Effect of Immigration on Productivity: Evidence from US States*, National Bureau of Economic Research, Working Paper No. 15507 (Nov. 2009), *available at* http://goo.gl/kfDvqe 11

Heather Koball et al., Migration Policy Institute, *Health and Social Service Needs of U.S.-Citizen Children with Detained or Deported Immigrant Parents* (2015) 19

Hidden America: Undocumented Workers, Workplace Fairness, http://goo.gl/x7wCLv 16

Hillary S. Kosnac et al., *One Step In and One Step Out: The Lived Experience of Immigrant Participants in the Deferred Action for Childhood Arrivals (DACA) Program*, Center for Comparative Immigration Studies, University of California, San Diego (2015), http://goo.gl/nb3ndx 29

Hirokazu Yoshikawa, *Immigrants Raising Citizens: Undocumented Parents and Their Young Children* (Russell Sage Found. 2012) 15

J. David Brown et al., *Does Employing Undocumented Workers Give Firms a Competitive Advantage?* 53:1 J. of Reg'l Sci. 158 (2012), https://goo.gl/xr7FaZ 17

Jens Manuel Krogstad & Jeffrey S. Passel, *5 facts about illegal immigration in the U.S.*, Pew Research Center (Nov. 19, 2015), http://goo.gl/a08DKn 15

Joanna Dreby, Center for American Progress, *How Today's Immigration Enforcement Policies Impact Children, Families, and Communities* (2012), https://goo.gl/zmtz9C. 20

Joe Light, *Languages Needed, but No Plans to Learn*, Wall St. J. (Jan. 18, 2011), http://goo.gl/BuBRVW 9

John Burns, *Immigration Changes Mean Surge in Construction Costs*, John Burns Real Estate Consulting (Sept. 21, 2015), http://goo.gl/Ycf3HX. 12

John D. Gartner, *The Hypomanic Edge: The Link Between (A Little) Craziness and (A Lot of) Success in America* (1st ed. 2005). 5

Julia Boorstin, *Illegal Entrepreneurs; Maria Has No U.S. Visa, and Jose's Expires Soon. Yet, They Own a Profitable California Factory, Pay Taxes, and Create Jobs*, CNNMoney (July 1, 2005), http://goo.gl/i8D0gi 5

Kalina M. Brabeck et al., *The Psychosocial Impact of Detention and Deportation on U.S. Migrant Children and Families*, 84 Am. J. of Orthopsychiatry 496 (2014)..... 20

Kenneth Megan, *Immigration and the Labor Force*, Bipartisan Policy Center (Aug. 25, 2015), http://goo.gl/dzHdE5..... 11

Kenneth Megan, *Immigration and the Labor Force, Part III*, Bipartisan Policy Center (Dec. 1, 2015), http://goo.gl/90uyTZ. 12

Kenneth Megan, *Labor Shortages Make the Case for Immigration*, Bipartisan Policy Center (Oct. 23, 2015), http://goo.gl/89ULtu/. 11, 12

Leisy J. Abrego, *"I Can't Go to College Because I Don't Have Papers": Incorporation Patterns of Latino Undocumented Youth*, 4:3 Latino Stud. 212 (2006)..... 21, 22

Luke Runyon, *Without Immigration Fix, Many Dairies Struggle to Find Employees*, Harvest Public Media (Feb. 3, 2015), http://goo.gl/HNX9V8. 13

ManpowerGroup, *2015 U.S. Talent Shortage Survey* (2015), http://goo.gl/4Q80sr 7

Manufacturing Institute, *The Skills Gap in U.S. Manufacturing 2015 and Beyond* 5 (2015) 8

Maria Perez, *My Husband Was Deported*, The Hill (Mar. 24, 2014, 12:00 PM), http://goo.gl/Elrcf6 19

Mark A. Leach et al., *Introduction to Unauthorized Immigrant Parents: Do Their Migration Histories Limit Their Children's Education?* (2011), http://www.s4.brown.edu/us2010/Data/Report/report101811.pdf 20, 29

Matt Hershberger, *Agriculture Industry Harmed By Restrictive State Immigration Laws*, Immigration Impact (Sept. 24, 2012), http://goo.gl/rKx1FV 13

Matthew Gardner et al., Institute on Taxation and Economic Policy, *Undocumented Immigrants' State & Local Tax Contributions* 2 (Feb. 26, 2016), http://goo.gl/VadTJF 28

Memorandum from Jeh Johnson, Secretary, Department of Homeland Security, to León Rodríguez, Director, U.S.C.I.S., et al., *Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children and with Respect to Certain Individuals Who Are the Parents of U.S. Citizens or Permanent Residents*, 2 (Nov. 20, 2014), *available at* http://goo.gl/av8R5X. 25

Michael A. Clemens, Partnership for a New American Economy & Center For Global Development, *International Harvest: A*

Case Study of How Foreign Workers Help American Farms Grow Crops – and the Economy 3 (2013) 13

Migration Policy Institute, *National and State Estimates of Populations Eligible for DACA and DAPA Programs, 2009-2013* (2015) 25

Mitra Toossi, U.S. Department of Labor, Bureau of Labor & Statistics, *Labor Force Projections to 2024: The Labor Force is Growing, But Slowly* (Dec. 2015), http://goo.gl/LXsLbp. 7

National Center For Education Statistics, *Table 104.20. Percentage of persons 25 to 29 years old with selected levels of educational attainment, by race/Ethnicity and sex: Selected years, 1920 through 2014*, http://goo.gl/ZCQWE..... 21

National Economic Council et al., *The Economic Benefits of Fixing Our Broken Immigration System* (2013), https://goo.gl/DOlojP..... 27

Neil Shaw, *Why Business Investment Could Break Out*, Wall St. J. (Jan. 12, 2014), http://goo.gl/C8n1xE..... 28

Occupational Outlook Handbook, Interpreters and Translators, Bureau of Labor Statistics (2016), http://goo.gl/BD7Bsh..... 9

Ofelia Casillas, *Illegal Immigrant Status Dashes Scholarship Hopes*, Chi. Trib., July 2, 2010 21

Parr Rosson et al., National Milk Producers Federation, *The Economic Impacts of Immigration on U.S. Dairy Farms* (June 2009), http://goo.gl/fDEpnW 12

Partnership for a New American Economy, *Language Diversity and the Workforce: The Growing Need for Bilingual Workers in New Jersey's Economy* (2016), http://goo.gl/Pgcc7C 9

Partnership for a New American Economy, *The "New American" Fortune 500* (2011) 6

Patrick Oakford, *Administrative Action on Immigration Reform: The Fiscal Benefits of Temporary Work Permits* (Ctr. for Am. Progress 2014), https://goo.gl/7TX33o. 27

Paul McDaniel, *Labor Shortages Increase U.S. Reliance on Imported Foods, Harming Local Economies*, Immigration Impact (March 18, 2014), http://goo.gl/KNhFDQ. 13

Philip E. Wolgin, *What Would it Cost to Deport All 5 Million Beneficiaries of Executive Action on Immigration*, Center for American Progress (Feb. 23, 2015), goo.gl/SAL0ZU 28

Pia M. Orrenius & Madeline Zavodny, *Do Immigrants Work in Riskier Jobs?*,

Demography 46.3 (Aug. 2009), http://goo.gl/N15dgP 16

Press Release, Fiscal Policy Institute, *President's Immigration Action Expected to Benefit Economy* (Nov. 21, 2014), http://goo.gl/4PDn3B 26

Rachel Unruh & Amanda Bergson-Shilcock, National Skills Coalition, *Missing in Action* (2015), http://goo.gl/3fc1Or 8

Randy Capps et al., Migration Policy Institute, *Analysis of DAPA's Potential Effects on Families and Children* (2016) 18

Raul Hinojosa-Ojeda & Maksim Wynn, *From the Shadows to the Mainstream: Estimating the Economic Impact of Presidential Administrative Action and Comprehensive Immigration Reform* (N. Am. Integration & Dev. Ctr. 2014), http://goo.gl/zAZjRB 26

Renee Johnson, *Food Safety Issues for the 114th Congress*, Cong. Research Serv. 20 (Feb. 13, 2015) 14

Richard T. Herman & Robert L. Smith, *Immigrant, Inc.: Why Immigrant Entrepreneurs Are Driving the New Economy (and how they will save the American worker)* (2009) 5, 6

Robert W. Fairlie, *Kauffman Index of Entrepreneurial Activity 1996-2013* (Apr. 2014), http://goo.gl/PofUeK 5

Roberto G. Gonzales, *Lives in Limbo: Undocumented and Coming of Age in America* (2015) 22, 23

Roberto G. Gonzales, *Wasted Talent & Broken Dreams: The Lost Potential of Undocumented Students*, 5 Immigration Policy In Focus, no. 13, Oct. 2007 22

Roberto G. Gonzalez & Angie Bautista-Chavez, *Two Years and Counting: Assessing the Growing Power of DACA*, American Immigration Council (2014) 29

Roberto Suro et al., *Removing Insecurity: How American Children Will Benefit from President Obama's Executive Action on Immigration* (2015), http://goo.gl/aTjc4L 29, 30

Silva Mathema, *Assessing the Economics of Granting Deferred Action Through DACA and DAPA*, Center for American Progress (Apr. 2, 2015), https://goo.gl/Om71ts 26

Silva Mathema, *The High Costs of Delaying Executive Action on Immigration*, Center for American Progress (Mar. 13, 2015), https://goo.gl/tg484y 28

Stephanie Potochnick, *How States Can Reduce the Dropout Rate for Undocumented*

Immigrant Youth: The Effects of In-State Resident Tuition Policies (2011), *available at* http://goo.gl/hx18Ym 22

Stephen Bronars, Ph.D., Partnership for a New American Economy & The Agricultural Coalition for Immigration Reform, *No Longer Home Grown: How Labor Shortages are Increasing America's Reliance on Imported Fresh Produce and Slowing U.S. Economic Growth* (2014), http://goo.gl/0QDeRh. 14

Tom K. Wong, et al., Center for American Progress, *Results from a Nationwide Survey of DACA Recipients Illustrate the Program's Impact* (July 9, 2015), https://goo.gl/jSqCMs 10

UndocuScholars Project, *In the Shadows of the Ivory Tower: Undocumented Undergraduates and the Liminal State of Immigration Reform* (2015), http://goo.gl/XoZ992 29

Vivek Wadhwa et al., Master of Engineering Management Program, Duke University; School of Information, University of California Berkeley, *America's New Immigrant Entrepreneurs* (2007) 6

Zénen Jaimes Pérez, United We Dream, *A Portrait of Deferred Action for Childhood Arrivals Recipients* (2015), http://goo.gl/kEhMbs 10

INTEREST OF AMICI CURIAE[1]

Amici are 63 U.S.-based employers, business leaders, and organizations representing business interests. *Amici* operate in a variety of industries and do business across the nation, including in Texas, where several are headquartered. *Amici* also employ many thousands of people and serve diverse customer bases. They directly experience the effects of immigration enforcement policies that limit their ability to hire the most talented individuals and that cause economic stress in immigrant communities. Because *amici*'s long-term success in an increasingly global economy depends in part on the vitality of the U.S. workforce, they are harmed by immigration enforcement policies that erode that workforce's long-term skills base.

Some *amici* are leaders in the U.S. business community with a vital interest in the growth and health of that community. They have gained through their work an intimate understanding of the ways in which policies that deny undocumented individuals lawful opportunities to contribute to the economy harm U.S. businesses, contribute to labor

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[1] Pursuant to Supreme Court Rule 37.6, counsel for amici represent that they authored this brief in its entirety and that none of the parties or their counsel, nor any other person or entity other than amici or their counsel, made a monetary contribution intended to fund the preparation or submission of this brief. Timely notice under Supreme Court Rule 37.2(a) of intent to file this brief was provided to the Petitioners and the Respondents, and both have consented in writing to the filing of this brief.

shortages, and hold back economic growth. They are uniquely well positioned to evaluate the impact on U.S. businesses of deferred action programs that reduce uncertainty surrounding the status of certain undocumented immigrants, thereby allowing those immigrants to contribute more freely to our economy.

A list of the *amici* is included in the Appendix.

SUMMARY OF ARGUMENT

The business community would benefit from policies that afford undocumented individuals—approximately 11 million of whom live in the United States—lawful opportunities to contribute to the American economy. Conversely, the failure of our political system to make progress on modernizing our nation's immigration system has made it harder for U.S. businesses to compete in the global marketplace. *Amici* believe that the deferred action initiatives announced by the federal government on November 20, 2014 (the "2014 Guidance") represent an important step forward, and urge the Court to allow those initiatives to be implemented.

Instead of inviting the economic contributions of immigrants, our immigration enforcement policies have often inhibited the productivity of U.S. companies and made it harder for them to compete in the global marketplace. The U.S. agricultural industry, for example, has suffered billions of dollars in losses due to labor shortages linked to our immigration enforcement policies—and what American farmers have been unable to grow, foreign

competitors have stepped in to supply. America's immigration enforcement policies should ensure that immigrants' ingenuity, skills, and entrepreneurial spirit are contributing to the U.S. economy—and deferred action policies are a helpful start.

Undocumented individuals constitute over five percent of the U.S. workforce, and in some industries it is estimated that they constitute a much greater share. They make vital contributions to our economy as workers and consumers. Indeed, the United States has long benefited from the entrepreneurship and innovation of immigrants—including undocumented immigrants. Immigrants are almost twice as likely as the rest of the population to start their own businesses and were responsible for launching twenty-five percent of the high-tech companies founded in the United States during the past decade. Undocumented individuals also often contribute specialized skills, including foreign language skills, that U.S. businesses need, and may fill positions in such fields as manufacturing, construction, or health services, where the United States faces major skills gaps.

By contrast, the continuing threat of removal and other uncertainties facing undocumented individuals weaken our economy. The existence of a large class of unauthorized workers allows unscrupulous employers to take advantage of undocumented workers' fear of deportation—for example, by refusing to pay them the minimum wage or by failing to comply with safety standards. These practices drive down wages and create more dangerous working conditions for all American

workers; they also expose law-abiding businesses to unfair competition.

Failure to address the status of undocumented immigrants and their families also erodes the long-term skills base of our workforce. Between 2009 and 2013, there were more than 4.3 million children—most of them U.S. citizens—living in the same household with at least one undocumented parent who would be eligible under the Deferred Action for Parents of Americans ("DAPA") policy. These children suffer from instability and stress that hinder academic achievement. And even undocumented children who overcome the many obstacles facing themselves and their families, achieve educational excellence in the United States, and are poised to help our businesses succeed in the global economy are often precluded from investing their skills into the U.S. economy.

If implemented, the 2014 Guidance would clarify the federal government's enforcement priorities and provide temporary relief from deportation and work authorization to certain undocumented immigrants who are low priority for deportation—thereby helping our nation's economy and business community. The projected benefits of these measures are appreciable, potentially increasing the U.S. GDP by $230 billion over 10 years. In contrast, if left undisturbed, the Court of Appeals' decision enjoining the implementation of the 2014 Guidance would perpetuate an untenable status quo on immigration enforcement policy that injures workers and businesses, and that holds back U.S. economic growth.

ARGUMENT

I. POLICIES THAT DENY UNDOCUMENTED INDIVIDUALS LAWFUL OPPORTUNITIES TO CONTRIBUTE TO THE U.S. ECONOMY HARM U.S. BUSINESSES

The entrepreneurial spirit of immigrants has long shaped our nation's economic development. In every census conducted from 1880 to 1990, immigrants were significantly more likely to be self-employed than native-born citizens. John D. Gartner, *The Hypomanic Edge: The Link Between (A Little) Craziness and (A Lot of) Success in America*, 15 (1st ed. 2005). And today, approximately 1.5 million immigrants own businesses, employing over two million workers. Richard T. Herman & Robert L. Smith, *Immigrant, Inc.: Why Immigrant Entrepreneurs Are Driving the New Economy (and how they will save the American worker)* xxv (2009). Immigrants are also twice as likely to start their own businesses as native-born citizens. Robert W. Fairlie, *Kauffman Index of Entrepreneurial Activity 1996-2013* 3, 25 (2014), http://goo.gl/PofUeK. Even among undocumented immigrants, an estimated eight to ten percent own their own businesses. Julia Boorstin, *Illegal Entrepreneurs; Maria Has No U.S. Visa, and Jose's Expires Soon Yet, They Own a Profitable California Factory, Pay Taxes, and Create Jobs*, CNNMoney (July 1, 2005), http://goo.gl/i8D0gi (quoting Professor Harry Pachon). Much of our economic prosperity rests on the shoulders of these immigrant entrepreneurs: Over forty percent of Fortune 500 companies were founded by immigrants

or a child of an immigrant. P'ship for a New Am. Economy, *The "New American" Fortune 500* 2 (2011).

Even as some immigrants have strengthened the U.S. economy by building businesses, others have transformed it through innovation. Nearly one-third of Nobel laureates from the United States are immigrants. Herman, *supra* at 5, 19. College-educated immigrants are also twice as likely to obtain a U.S. patent as college-educated, native-born individuals. *Id.* Immigrants also launched a quarter of all engineering and technology companies in the United States from 1995 to 2005, creating 450,000 jobs. Vivek Wadhwa et al., Master of Eng'g Mgmt. Program, Duke Univ.; Sch. of Info., Univ. of Cal. Berkeley, *America's New Immigrant Entrepreneurs* 11 (2007). And over half of Silicon Valley start-ups count at least one immigrant as a key founder. Herman, *supra* at 5.

Immigrants are poised to continue playing a critical role in the nation's economic growth. But the uncertain landscape of our immigration enforcement policy stands in the way.

A. Undocumented Individuals' Vital Contributions to the United States Economy Are Limited by Current Immigration Enforcement Policies

1. Undocumented individuals can fill positions in fields where the United States faces major skills gaps

Immigrants are vital to filling supply gaps among skilled workers in the U.S. job market. The United

States faces a shortage of skilled workers that is only projected to intensify over the next decade, as skilled workers from the baby-boom generation retire from the workforce. As these gaps continue to widen, immigrants, including undocumented immigrants, may play a critical role in filling positions for which there simply are not enough native-born applicants.

In a survey of U.S. employers, 32 percent of respondents reported difficulty filling jobs across a number of industries in 2015. ManpowerGroup, *2015 U.S. Talent Shortage Survey* 36 (2015), http://goo.gl/4Q80sr. This difficulty is likely to increase: The U.S. Bureau of Labor Statistics predicts that as the baby-boom generation—those born between 1946 and 1964, now between 52 and 70 years old—reaches retirement age and begins to exit the work force, the growth in the total U.S. labor force will slow. Mitra Toossi, U.S. Dep't of Labor, Bureau of Labor & Statistics, *Labor Force Projections to 2024: the Labor Force is Growing, But Slowly* (Dec. 2015), http://goo.gl/LXsLbp. A projected 58.6 million workers will exit the workforce between 2010 and 2030—38.6 percent more than exited between 1990 and 2010. Dowell Myers et al., Ctr. for Am. Progress, *The Contributions of Immigrants and Their Children to the American Workforce and Jobs of the Future* 46-47 (2013), https://goo.gl/8dBk9T.

U.S. employers have also reported that they have the greatest difficulty filling skilled trade positions. *See* ManpowerGroup, *supra* at 36. A study found that in 2012, middle-skill jobs—that is, jobs that require some education beyond the secondary level, but less than a bachelor's degree—"accounted for 54

percent of the U.S. labor market, but only 44 percent of the country's workers were trained to the middle-skill level." Rachel Unruh & Amanda Bergson-Shilcock, Nat'l Skills Coal., *Missing in Action* 3-4 (2015), http://goo.gl/3fc1Or.

At the same time, analysts predict that by the end of the next decade, as many as 80 percent of job openings will require applicants to have completed their post-secondary education, and nearly half will require middle-skilled credentials. *Missing in Action* 3-5 (arguing that comprehensive immigration reform should include middle-skill occupational training as an allowable educational pathway to citizenship). As the labor pool shrinks and employers' needs for skilled workers increase, the middle-skills gap described above is projected to grow. *See, e.g.*, Mfg. Inst., *The Skills Gap in U.S. Manufacturing 2015 and Beyond* 5 (2015), http://goo.gl/QhXfOy (predicting that the skills gap will result in a shortfall of 2 million workers in the manufacturing industry between 2015 and 2025).

Given the changing demographics of our workforce, it is imperative that the Unites States adopt sound immigration policies. Taking job growth into account, analysts predict that the United States faces a shortage of 7.5 million private sector workers across all skill levels by the year 2020, and that were the number of immigrants to remain unchanged, that number would grow to 11.2 million nationwide. Ben Gitis & Douglas Holtz-Eakin, Am. Action Forum, *How Changes in Immigration Can Impact Future Worker Shortages*

in the United States and Silicon Valley (Oct. 23, 2015), http://goo.gl/MhLBxQ.

Immigrants, including undocumented immigrants, can play a critical role in filling this labor gap. Undocumented individuals already possess skills—including foreign language skills—that U.S. businesses need. *See, e.g.*, *Occupational Outlook Handbook*, Interpreters and Translators, Bureau of Labor Statistics (2016), http://goo.gl/BD7Bsh (projecting 29% growth in demand for translators and interpreters from 2014 to 2024); Joe Light, *Languages Needed, but No Plans to Learn*, Wall St. J. (Jan. 18, 2011), http://goo.gl/BuBRVW (reporting that in a survey of employers and employees, while 42% of employers expected to have a demand for Chinese-speaking employees in the coming decade and 70% expected a similar demand for Spanish proficiency, 80% and 60% of workers, respectively, reported being unlikely to learn each language); P'ship for a New Am. Econ., *Language Diversity and the Workforce: The Growing Need for Bilingual Workers in New Jersey's Economy* (2016), http://goo.gl/Pgcc7C (noting increasing demand for workers who speak languages in addition to English). Further, when barriers to secondary and post-secondary education are addressed to allow undocumented students access, those students may go on to fill skilled and middle-skilled positions—indeed, a recent survey of beneficiaries of the Deferred Action for Childhood Arrivals ("DACA") policy revealed that over twenty percent of respondents envisioned pursuing careers in health care, and that a substantial proportion of respondents hoped to pursue positions in the fields of

science, technology, engineering, or mathematics. *See* Zénen Jaimes Pérez, United We Dream, *A Portrait of Deferred Action for Childhood Arrivals Recipients* 15 (2015), http://goo.gl/kEhMbs.

But the uncertainty surrounding undocumented status stands in the way, discouraging undocumented students from completing even secondary education and inhibiting even the most high-achieving undocumented individuals from putting their skills to use. *See infra* Section I.B.3. By clarifying immigration enforcement priorities, DACA and other deferred action policies reduce the fear and insecurity among immigrant families and help keep undocumented immigrant children in school, which in turn improves students' employment prospects and increase the number of skilled and middle-skilled workers. *See* Pérez, *supra* at 11 (finding that over the first two years of DACA's implementation, 30 percent of DACA recipients had returned to school to pursue both secondary and post-secondary education); Tom K. Wong, et al., Center for Am. Progress, *Results from a Nationwide Survey of DACA Recipients Illustrate the Program's Impact* (July 9, 2015), https://goo.gl/jSqCMs (finding that 92 percent of survey respondents who are currently in school reported that, because of DACA, "I pursued educational opportunities that I previously could not.").

2. United States immigration enforcement policies contribute to labor shortages that inhibit productivity and competitiveness

Restrictive immigration laws not only prevent immigrants from filling skills gaps that already exist, but also create labor shortages in such industries as construction, agriculture, and dairy. *See, e.g,* Kenneth Megan, *Labor Shortages Make the Case for Immigration*, Bipartisan Policy Ctr. (Oct. 23, 2015), http://goo.gl/89ULtu/. These shortages exacerbate workforce disruptions and cost the United States billions of dollars. By providing work authorization to certain undocumented immigrants who are low-priority for deportation, the 2014 Guidance will help avoid labor shortages and spur U.S. productivity and competitiveness.

The notion that immigration limits the job opportunities of the native-born population underlies much of the resistance to the 2014 Guidance and larger-scale immigration reform. *See, e.g.*, Kenneth Megan, *Immigration and the Labor Force*, Bipartisan Policy Center (Aug. 25, 2015), http://goo.gl/dzHdE5 ("In particular, there has been a growing narrative that high levels of immigration have led to declining employment and labor force participation among the native-born population. This has led some to advocate for a more restrictive federal immigration policy."). But, "there is no clear evidence that immigration has brought forth a decline in native-born employment or labor force participation." *Id.*; *see also* Giovanni Peri, *The Effect of Immigration on Productivity: Evidence from US States*, Nat'l Bureau of Econ. Research, Working

Paper No. 15507 (Nov. 2009) ("We find no evidence that immigrants crowded-out employment and hours worked by natives."), *available at* http://goo.gl/kfDvqe. Rather, native- and foreign-born workers tend to work in different industries. Kenneth Megan, *Immigration and the Labor Force, Part III*, Bipartisan Policy Ctr. (Dec. 1, 2015), http://goo.gl/90uyTZ.

Even today, labor shortfalls tied to declining immigration plague a number of industries. *Id.* The construction industry, for example, faces a severe labor shortage, which is both hampering growth and putting upward pressure on construction costs. John Burns, *Immigration Changes Mean Surge in Construction Costs*, John Burns Real Estate Consulting (Sept. 21, 2015), http://goo.gl/Ycf3HX; *see also* Kenneth Megan, *Labor Shortages Make the Case for Immigration*, *supra*.

The agriculture, dairy, and food service industries also suffer from an acute shortage of workers, which is only exacerbated by declining immigration. The National Milk Producers Federation concluded from survey data that "[i]mmigrant labor is a major contributor to the economic viability" of many U.S. dairy farms. Parr Rosson et al. Nat'l Milk Producers Fed'n, *The Economic Impacts of Immigration on U.S. Dairy Farms* 12 (June 2009), http://goo.gl/fDEpnW. Despite this, one-fifth of dairy farmers surveyed reported experiencing a labor shortage during the prior two years. *Id.* at 7. Today, "[m]any owners of the country's largest dairies say that they're unable to find employees" because of a lack of willing

workers. Luke Runyon, *Without Immigration Fix, Many Dairies Struggle to Find Employees*, Harvest Public Media (Feb. 3, 2015), http://goo.gl/HNX9V8. Similarly, a study of fifteen years of data from North Carolina farms concluded that "There is virtually no supply of native manual farm laborers in North Carolina . . . . No matter how bad the economy becomes, native workers do not take farm jobs. . . . Foreign farm workers create jobs for American workers." Michael A. Clemens, P'ship for a New Am. Economy & Ctr. For Global Development, *International Harvest: A Case Study of How Foreign Workers Help American Farms Grow Crops – and the Economy* 3 (2013), *available at* http://goo.gl/R4K9x7.

These shortages inhibit the United States' ability to compete globally. For example, the U.S. agricultural industry is losing market share to foreign producers because of labor shortages caused by anti-immigration measures. Matt Hershberger, *Agriculture Industry Harmed by Restrictive State Immigration Laws*, Immigration Impact (Sept. 24, 2012), http://goo.gl/rKx1FV ("American agricultural industry is facing billions of dollars in losses due to labor shortages resulting from recent anti-immigrant laws passed in various states around the country."); *see also* Alfonso Serrano, *Bitter Harvest: U.S. Farmers Blame Billion-Dollar Losses on Immigration Laws*, Time Mag. (Sept. 21 2012), http://goo.gl/hJ6sGW.

As a consequence of these labor shortages, U.S. consumers are increasingly forced to rely on imported foods. Paul McDaniel, *Labor Shortages Increase U.S. Reliance on Imported Foods, Harming*

Local Economies, Immigration Impact (March 18, 2014), http://goo.gl/KNhFDQ. Studies find that 25.8 percent of fresh fruit Americans purchased from 2010-2012 was imported, up significantly from 14.5 percent in the 1998-2000 period. Stephen Bronars, Ph.D., P'ship for a New Am. Econ. & The Agric. Coal. for Immigration Reform, *No Longer Home Grown: How Labor Shortages are Increasing America's Reliance on Imported Fresh Produce and Slowing U.S. Economic Growth* 5-6 (2014), http://goo.gl/0QDeRh. Had U.S. fresh fruit and vegetable growers maintained the domestic market share that they held from 1998-2000, farming income would have been $4.9 billion greater and over 89,000 more jobs would have been filled in 2012 alone. *Id.* Our nation's increasing reliance on food imports also heightens the risks to consumers. Renee Johnson, *Food Safety Issues for the 114th Congress*, Cong. Research Serv. 20 (Feb. 13, 2015) (noting that the Food and Drug Administration has issued import alerts on a range of imported foods in recent years).

By clarifying its enforcement priorities and giving certain low-priority undocumented immigrants the opportunity to obtain temporary work authorization, the federal government can help stabilize labor supplies in these, and many other, industries, thereby reducing labor shortages and spurring economic growth.

B. The Continuing Threat of Removal and Other Uncertainties Facing Undocumented Individuals Weakens Our Economy

1. Exploitation of undocumented workers by unscrupulous employers harms all U.S. workers and law-abiding businesses

The existence of a large class of undocumented workers in the United States labor force—an estimated 8.1 million people[2]—allows unscrupulous employers to take advantage of undocumented workers' fear of deportation by, for example, refusing to pay them the minimum wage or failing to comply with safety standards. These practices drive down wages and create more dangerous working conditions for all U.S. workers. They also expose law-abiding businesses to unfair competition.

Undocumented workers who try to remedy unsafe or unfair working conditions often face immigration-related threats and retaliation. Fearing such immigration-related retribution, undocumented workers are less likely than their counterparts to report workplace violations. *See generally* Hirokazu Yoshikawa, *Immigrants Raising Citizens: Undocumented Parents and Their Young Children* (Russell Sage Found. 2012). As a result,

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[2] In 2012, an estimated 8.1 million unauthorized immigrants were either working or looking for work. Jens Manuel Krogstad & Jeffrey S. Passel. *5 facts about illegal immigration in the U.S.*, Pew Research Ctr. (Nov. 19, 2015), http://goo.gl/a08DKn.

undocumented workers are one of the most vulnerable and exploited classes of workers in the United States. *Hidden America: Undocumented Workers*, Workplace Fairness, http://goo.gl/x7wCLv. Some studies suggest that undocumented immigrants are up to 300 percent more likely than their U.S.-born counterparts and up to 200 percent more likely than authorized immigrants to experience minimum wage violations. Annette Bernhardt et al., *Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in America's Cities* 43 (2009) (derived from Figure 5.1), *available at* http://goo.gl/4m0hTn. For instance, of the low-wage workers surveyed in New York, Chicago, and Los Angeles in 2008, approximately 60 percent reported that they were paid over $1 less than the minimum wage; 76 percent reported that they were not paid the required overtime rate; 70 percent reported that they did not receive any pay at all for work outside of their regular shifts. *Id.* at 2-3.

These unlawful practices harm all U.S. workers and the U.S. economy. First, the acts of unscrupulous employers drive down wages and create more dangerous working conditions for all U.S. workers. Documented immigrants and Latino Americans are particularly susceptible to these spillover effects. *See, e.g.*, Pia M. Orrenius & Madeline Zavodny, *Do Immigrants Work in Riskier Jobs?*, Demography 46.3, 535-551, 548 (Aug. 2009), http://goo.gl/N15dgP (noting higher work-related mortality rates in immigrant groups and concluding that the data "clearly indicate that immigrants work in more dangerous industries and occupations").

Second, law-abiding businesses face unfair competition. Unscrupulous employers can reduce wage costs by forgoing minimum wage and overtime payments, payroll taxes, workers' compensation, and unemployment insurance payments. *See* J. David Brown et al., *Does Employing Undocumented Workers Give Firms a Competitive Advantage?*, 53:1 J. of Reg'l Sci. 158-70 (2012), https://goo.gl/xr7FaZ. Forced to compete on an uneven playing field, law-abiding businesses are up to 19 percent more likely to fail. *See id.* at 16. Importantly, the playing field becomes increasingly uneven as more firms from a particular industry employ undocumented workers, thereby increasing the pressure on law-abiding employers to follow suit. *See id.* at 17-18. As a result of this unfair competition, "[f]irms [that] may inherently wish to obey the law" come under significant pressure to break the law in order to avoid a competitive disadvantage. *Id.* at 1.

In short, businesses urgently need access to a stable and authorized workforce, and a fair and transparent structure for employing immigrant workers. The 2014 Guidance would be a step towards clarifying the federal government's enforcement priorities and giving certain low-priority undocumented immigrants the opportunity to obtain temporary work authorization.

2. Failure to address the status of undocumented immigrants and their families erodes the long-term skills base of our workforce

The long-term strength of the U.S. economy and the success of U.S. businesses will depend on our nation's ability to continue to develop a skilled and capable workforce—complementing an expected influx of new talent with a well-nurtured set of workers raised in the United States. But today, the millions of children in the United States with at least one undocumented parent suffer from instability and stress that hinders their cognitive and behavioral development and harms their academic achievement. Left unaddressed, the effects of this instability and stress will diminish the nation's long-term skills base and economic competitiveness.

The United States is home to 4.3 million children—3.7 million of whom are U.S. citizens—who live with at least one undocumented, potentially DAPA-eligible parent. *See* Randy Capps et al., Migration Policy Institute, *Analysis of DAPA's Potential Effects on Families and Children* 1 (2016). Ensuring that these children develop the skills and capabilities they need to contribute to the global economy is essential to the economic future of the United States. As this Court has long recognized, education "provides the basic tools by which individuals might lead economically productive lives to the benefit of us all." *Plyler v. Doe*, 457 U.S. 202, 221 (1982); *see also Wisconsin v. Yoder*, 406 U.S. 205, 221 (1972) ("[E]ducation prepares individuals to be

self-reliant and self-sufficient participants in society.").

For these children, even those who are U.S. citizens, the threat that their parents might be deported causes instability and anxiety, while a child whose parent is actually detained or deported may face added stress and disruption. School staff report that some of these students "los[e] track of long-term goals such as college enrollment" and become "disengaged from academics and from social relationships with their peers." Heather Koball et al., Migration Policy Institute, *Health and Social Service Needs of U.S.-Citizen Children with Detained or Deported Immigrant Parents* 11 (2015). The story of one U.S. citizen with two U.S.-citizen children vividly illustrates the consequences of deportation: she wrote that since her husband was deported, "[o]ur four year-old son misses his dad and is going through a depression. Our thirteen year-old daughter's grades are going down, and I'm going to have to close our business. When you deport one person like Brigido, you leave behind three broken hearts." Maria Perez, *My Husband Was Deported*, The Hill (Mar. 24, 2014, 12:00 PM), http://goo.gl/Elrcf6.

Children whose parents are either deported or live under the constant threat of deportation lack stability and predictability, and suffer stigma and material harm as a result. *Cf. Obergefell v. Hodges*, 135 S. Ct. 2584, 2590 (2015). A "large literature on child development shows the detrimental effects" that consequently arise, with major impacts on children's cognitive and behavioral development and

school success. Joanna Dreby, Ctr. for Am. Progress, *How Today's Immigration Enforcement Policies Impact Children, Families, and Communities* 19 (2012), https://goo.gl/zmtz9C; *see, e.g.*, Kalina M. Brabeck et al., *The Psychosocial Impact of Detention and Deportation on U.S. Migrant Children and Families*, 84 Am. J. of Orthopsychiatry 496, 498 (2014) (reviewing this literature); Mark A. Leach et al., *Unauthorized Immigrant Parents: Do Their Migration Histories Limit Their Children's Education?* (2011), http://goo.gl/ZV6xNS (finding that children of Mexican immigrants whose parents have legal status or citizenship spend, on average, approximately two more years in school than those whose parents are undocumented). The threat of deportation looming over so many children and families therefore yields a U.S. workforce that is less skilled and less ready to succeed in the global economy.

3. Undocumented immigrants who achieve educational excellence in the United States are often precluded from investing their skills in the U.S. economy

Despite the uncertainty surrounding their status, a substantial number of high-achieving undocumented immigrants thrive in high school or college and position themselves to contribute greatly to our economy. Current immigration enforcement policy saddles these remarkable students with an uncertainty that often limits their contributions.

The approximately 65,000 undocumented immigrants who graduate from U.S. high schools

every year would, but for their immigrant status, be expected to yield 24,000 college and university graduates and 5,400 graduate degrees.[3] The expected lifetime earnings of these graduates, again absent their immigration status, would exceed $110 billion. *See* Anthony P. Carnevale et al., *The College Payoff: Education, Occupations, Lifetime Earnings*, Georgetown Univ. Ctr. on Educ. & Workforce 3-4 & Figure 1 (2011).[4]

Yet every year undocumented students "who have excelled at high school suddenly run up against the brick wall of their immigration status," which prevents many from paying for college or obtaining lawful employment that harnesses their potential. Ofelia Casillas, *Illegal Immigrant Status Dashes Scholarship Hopes*, Chi. Trib., July 2, 2010, at C1; Leisy J. Abrego, *"I Can't Go to College Because I Don't Have Papers": Incorporation Patterns of Latino Undocumented Youth*, 4:3 Latino Stud. 212, 2133

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[3] Calculations are based on the statistics provided by the National Center for Educational Statistics and do not take account of racial disparities in educational achievement. *See* Nat'l Ctr. for Educ. Statistics, *Table 104.20, Percentage of Persons 25 to 29 Years Old with Selected Levels of Educational Attainment, by Race/Ethnicity and Sex: Selected Years, 1920 through 2014*, http://goo.gl/ZCQWEg.

[4] These calculations assume that no students who graduate high school but do not earn a bachelor's degree attend some college or earn associates' degrees and that all students who attend graduate school earn only a master's degree, as opposed to a more lucrative doctoral or professional degree. These assumptions artificially depress the overall anticipated income of the class considerably.

(2006); Stephanie Potochnick, *How States Can Reduce the Dropout Rate for Undocumented Immigrant Youth: The Effects of In-State Resident Tuition Policies* 24-25 (2011), *available at* http://goo.gl/hx18Ym. Less than 10 percent attend college, as compared to 66 percent nationally. Roberto Gonzales, *Wasted Talent & Broken Dreams: The Lost Potential of Undocumented Students*, 5 Immigration Policy in Focus, no. 13, Oct. 2007 at 1-3; Alia Wong, *Where Are All the High-School Grads Going?*, Atlantic, Jan. 11, 2016, http://goo.gl/BbKJzM.

And the undocumented immigrants who successfully navigate the college application process—daunting for any student but substantially so for foreign nationals with no Social Security number or legal status—carry "the ubiquitous constraints of illegality" into a new context.[5] Roberto G. Gonzales, *Lives in Limbo: Undocumented and Coming of Age in America* 155 (2015). During their student years, these immigrants typically encounter challenges unimagined by their classmates with lawful status and are beset by psychological, financial, and social pressures precipitated by their unlawful status, including limited financial aid options, difficulty finding lawful

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[5] These barriers to higher education may also decrease students' motivation to complete even secondary education. *See* Potochnick, *supra* at 24-25; Abrego, *supra* at 222-23 (finding undocumented students' high school performance dropped dramatically if they determined that they could not pursue further education).

work, alienation on campus, and bureaucratic and administrative hurdles. *Id.* at 155-64, 174. Many are therefore practically or emotionally unable to graduate. *Id.*

And "[e]ven after completing a college education and earning a degree, many [undocumented] college-goers are bound to return 'home' to illegality, a regressive slide into a life of limited choices and the ever-present threat of removal." *Id.* at 173-74. These forces predictably suppress achievement and contribution to the national economy.

Even the cream of the crop—the undocumented immigrants lucky and talented enough to attend and even thrive in college—are fettered by their unauthorized status. Many of these immigrants graduate from college "eager . . . to contribute to American society; to lend [their] hands and [] feet to its economy, and [their] minds to its intellectual production." Dan-el Padilla Peralta, Undocumented: A Dominican Boy's Odyssey from a Homeless Shelter to the Ivy League 296-97 (2015); *see, e.g.*, David Montgomery, *In 'Risers,' young immigrants who are turning dreams into reality*, Wash. Post, May 31, 2015, at E4 (quoting the goal of a 22-year-old immigrant profiled as to "build a business and create hundreds of jobs."). But our immigration enforcement policies stand in the way. Dan-el Padilla Peralta graduated Princeton University as class salutatorian. Yet as his classmates pursued jobs in education, law, and finance, he could not remain in the United States and expect "[a]nything more high-profile than working as a [waiter]." Padilla, *supra* at 230-31; *see also* Anonymous, *I'm an*

Illegal Immigrant at Harvard, Daily Beast, Nov. 27, 2010, 2:23 PM, http://goo.gl/xFPlpR (identifying the lack of opportunities aside from working at a restaurant after the author graduated from Harvard). Padilla was forced to leave the United States uncertain if he would be able to return—a risk that neither he, his family, nor this country should be forced to take. Padilla, *supra* at 233, 256.[6]

II. THE 2014 GUIDANCE TAKES IMPORTANT STEPS TOWARDS AN IMMIGRATION ENFORCEMENT POLICY THAT BENEFITS BUSINESSES

The 2014 Guidance takes a positive step towards redressing some important shortcomings of our immigration enforcement policies. It reduces uncertainty facing certain undocumented immigrants and allows them to gainfully participate in and contribute to the American economy.

A. The 2014 Guidance Removes Some Uncertainty Surrounding the Status of Certain Undocumented Immigrants

The 2014 Guidance established criteria for exercising prosecutorial discretion, which would reduce uncertainty regarding the status of certain undocumented immigrants—specifically, immigrants brought to the United States at a young age and the

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[6] While political pressure and support from Princeton ultimately permitted Padilla to return, Padilla, *supra* at 276, most similarly-situated immigrants are not so lucky.

parents of certain lawfully present young immigrants. Pursuant to this 2014 Guidance, an undocumented immigrant with a child who is a U.S. citizen or lawful permanent resident may, if he or she meets some additional criteria, be granted deferred action—a temporary protection from deportation. Additionally, the 2014 Guidance would expand the population eligible for the Deferred Action for Childhood Arrivals ("DACA") to allow more undocumented individuals brought to the United States as children to be temporarily protected from deportation. *See* Memorandum from Jeh Johnson, Sec'y, Dep't of Homeland Sec., to León Rodríguez, Dir., U.S.C.I.S., et al., *Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children and with Respect to Certain Individuals Who Are the Parents of U.S. Citizens or Permanent Residents*, 2 (Nov. 20, 2014), *available at* http://goo.gl/av8R5X.

The processes established by the federal government would permit immigrants to learn whether they qualify for temporary relief; with that knowledge, immigrants could focus their efforts on making the most of this opportunity. An estimated 3.6 million undocumented parents would be eligible under the DAPA policy and an additional 275,000 are estimated to be eligible under the expansion of the DACA policy; approximately 1.2 million undocumented immigrants are believed to be eligible under the original DACA policy. *See* Migration Policy Institute, *National and State Estimates of Populations Eligible for DACA and DAPA Programs, 2009-2013* (2015).

B. By Allowing Immigrants to Contribute More Freely to Our Economy, the 2014 Guidance Benefits Businesses

By reducing uncertainties that hamstring workers' productivity and increasing occupational mobility to encourage undocumented workers to find jobs that better fit their particular skills and talents, the deferred action policies set out in the 2014 Guidance are projected to raise the U.S. Gross Domestic Product by $230 billion over 10 years. *See* Silva Mathema, *Assessing the Economics of Granting Deferred Action Through DACA and DAPA*, Center for Am. Progress (Apr. 2, 2015), https://goo.gl/Om71ts. These policies will also formalize the $15.8 billion in GDP that individuals eligible for deferred action contribute to the United States economy each year. *See* Raul Hinojosa-Ojeda & Maksim Wynn, *From the Shadows to the Mainstream: Estimating the Economic Impact of Presidential Administrative Action and Comprehensive Immigration Reform*, N. Am. Integration & Dev. Ctr., at 32 (2014), http://goo.gl/zAZjRB.

Individuals eligible for deferred action and work permits are projected to experience a $7.1 billion increase in wages as they seek positions commensurate with their skills and enjoy incentives to develop their skills. *See* Hinojosa-Ojeda, *supra*, at 11, 32. An estimated 167,000 new American jobs will be created as a result. *Id.* at 32; *see also* Press Release, Fiscal Policy Inst., President's Immigration Action Expected to Benefit Economy (Nov. 21, 2014), http://goo.gl/4PDn3B (estimating that wages for

those eligible for legal work status will increase by 5 to 10 percent). Recent studies have also shown that "immigrants promote productivity and innovation, both directly and indirectly through positive spillover effects on native workers." *See* Nat'l Econ. Council et al., *The Economic Benefits of Fixing Our Broken Immigration System* 6-7, 9 (2013), https://goo.gl/DOlojP.

The 2014 Guidance will also reduce budget deficits at the federal, state, and local levels, which will, in turn, favorably influence business investment decisions. *See* Doug Elmendorf, *Effects on Economic Growth of Federal Investment and Reductions in Federal Deficits and Debt*, Congress. Budget Office (June 20, 2014), https://goo.gl/zOZO1W (discussing how reducing federal deficits leads to a more robust U.S. economy). As deferred action reduces undocumented workers' fear of removal, and as work authorization allows them to work legally, many will go on the books and contribute payroll taxes for the first time, and some will be able to find jobs that better match their skills. Patrick Oakford, *Administrative Action on Immigration Reform: The Fiscal Benefits of Temporary Work Permits* 2 (2014), https://goo.gl/7TX33o. The 2014 Guidance will therefore increase federal payroll tax revenues each year, with an estimated $6.08 billion in additional revenues expected in the first year of implementation alone. *Id.* at 3, 3 tbl. 1.

State and local governments also would realize enormous fiscal benefits. Currently, undocumented immigrants collectively contribute an estimated

$11.6 billion a year in tax revenue to state and local governments. Matthew Gardner et al., Institute on Taxation and Economic Policy, *Undocumented Immigrants' State & Local Tax Contributions* 2 (Feb. 26, 2016), http://goo.gl/VadTJF. State and local tax contributions would increase by $805 million as a result of original DACA and the 2014 Guidance. *Id.* By contrast, deporting the same individuals would cost the federal government an estimated $50.3 billion, or about $10,070 per deportee. Philip E. Wolgin, *What Would it Cost to Deport All 5 Million Beneficiaries of Executive Action on Immigration*, Ctr. for Am. Progress (Feb. 23, 2015), goo.gl/SAL0ZU.

Likewise, at the state and local level, the 2014 Guidance will shrink budget shortfalls by nearly a billion dollars each year. *See* Fiscal Policy Inst. Texas alone is expected to gain an additional $338 million in new revenue. *See* Silva Mathema, *The High Costs of Delaying Executive Action on Immigration*, Ctr. for Am. Progress (Mar. 13, 2015), https://goo.gl/tg484y. Other benefits associated with a growing economy and shrinking deficit can also be expected to accrue. For one, a growing economy increases confidence to make capital investments. *See* Neil Shaw, *Why Business Investment Could Break Out*, Wall St. J. (Jan. 12, 2014), http://goo.gl/C8n1xE.

Finally, the greater certainty and stability could significantly improve the long-term skills base of the U.S. workforce by helping the children of deferred action recipients succeed academically and developmentally. By enabling even more young

people to reach their potential and contribute to the U.S. economy, DAPA could thus expand upon the long-term benefits that DACA has already delivered and that expanded DACA is expected to secure. *See* Hillary S. Kosnac et al., *One Step In and One Step Out: The Lived Experience of Immigrant Participants in the Deferred Action for Childhood Arrivals (DACA) Program*, Ctr. for Comparative Immigration Studies, Univ. of Cal., San Diego 17-19 (2015), http://goo.gl/nb3ndx; Roberto G. Gonzalez & Angie M. Bautista-Chavez, *Two Years and Counting: Assessing the Growing Power of DACA*, Am. Immigration Council 2 (2014) ("[S]ince receiving DACA, . . . young adult immigrants have become more integrated into the nation's economic and social institutions."); UndocuScholars Project, *In the Shadows of the Ivory Tower: Undocumented Undergraduates and the Liminal State of Immigration Reform* ii (2015), http://goo.gl/XoZ992.

This long-term impact is likely to be significant, because studies show that when parents' legal status removes the threat of deportation, their children stay in school longer and achieve greater educational gains. *See* Leach et al., *supra*; Frank D. Bean et al., *Mexican Immigrant Political and Economic Incorporation*, 4 Pol. Sci. & Pol. 311, 311 12 (2006). Indeed, the impact may be even broader: "The negative effects [that] have been measured in educational achievement, cognitive development and emotional stability . . . . can be reversed and . . . a parent's legalization can place these young people on a life trajectory equal to their peers." Roberto Suro et al., *Removing Insecurity: How American Children Will Benefit from President Obama's Executive*

Action on Immigration 2 (2015), http://goo.gl/aTjc4L; *see also id.* at 19 ("Even a temporary work permit can set in motion a process that brings economic benefits first to the immigrants, in the form of higher wages, and then to the public sector, in the form of higher tax revenue, and then to the nation as a whole, in the form of a more productive labor force."). Moreover, the 2014 Guidance would allow parents of young immigrants to work gainfully to help pay for their children's educations, further opening the doors of opportunity.

For these reasons, the federal government's recent actions—clarifying its enforcement priorities and making temporary work authorization available to certain low-priority undocumented immigrants—strengthen the American economy by stabilizing the workforce, promoting job creation, reducing deficits and increasing federal, state, and local tax revenues. Preventing or delaying these policies will only withhold the tangible benefits of a more diverse, productive business environment.

CONCLUSION

For the foregoing reasons, *amici* respectfully urge this Court to reverse the judgment of the Court of Appeals.

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APPENDIX

List of Amici Curiae

- AlleyWatch, based in New York but featuring an audience in over 200 countries, is the largest media organization focused solely on the advancement of the startup and technology ecosystem in New York and beyond. AlleyWatch's founder, a first-generation American, personally recognizes the importance of U.S. immigration enforcement policy. AlleyWatch advocates for an immigration enforcement policy that would permit supply of lawful domestic-based employees to match the demand for skilled professionals in the emerging technology space, lest small businesses suffer for not matching the outsourcing strategies of their larger competitors.

- American Apparel, LLC, headquartered in Los Angeles, California, has been serving customers in the apparel industry since 1999, employing thousands over workers in the United States and around the globe. It employs 7,800 workers worldwide and over 4,500 in the Los Angeles area. American Apparel supports changes to immigration changes to U.S. immigration polices because many talented and experienced individuals could become available to American Apparel and other companies under the challenged immigration guidance.

- Amplify LA Partners, LLC ("Amplify"), founded in 2011, is a startup accelerator based in Venice, California that provides funding, mentorship and support to early stage startups in exchange for equity. Amplify has experienced firsthand the comparative difficulty startups face hiring international students due to the costs, burdens and uncertainty that come from the legal barriers to hiring international talent trained in the United States.

- Founded in 2010 and located in Palo Alto, California, appbackr inc. indexes mobile applications ("apps") to create insights about them, which it sells to companies including Amazon and Intel. appbackr inc. also makes its own app, which uses data from the index to surface relevant app recommendations based on location and other contextual information. As an entrepreneurial business, its owners see the very acute value of immigrants to what the company does every day. They believe that immigration is a moral, civic, and professional concern and that our society and economy depends on immigrants.

- Asana is a California technology company that helps humanity thrive by enabling all teams to work together effortlessly. As a leader in the technology industry, Asana supports changes to the United States' immigration enforcement policy that would allow every great technologist to enter the field, because

the dearth of extremely qualified technical talent is the primary impediment to the technology industry's ability to reach its full potential, and the need and market for great talent is effectively infinite.

- Atipica, Inc., a human-resources technology provider based in Palo Alto, California, was founded by an immigrant. The company employs talent from all over the world, and expects to continue to grow and to create jobs in California.

- BenchPrep is an immigrant-owned company that provides education and training services. BenchPrep supports changes to current immigration policies—including the policies at issue in this case—because those changes would help foster economic innovation and growth.

- Bunnyforce Inc. is a California- and Colombia-based technology company that allows companies to delegate their creative services. Bunnyforce advocates for diversity as a driving force behind innovation; accordingly, Bunnyforce supports immigration as a means of diversifying and strengthening the U.S. economy.

- Since launching its services in 2007, Care.com, Inc., a Massachusetts-based corporation, has become the world's largest online destination for finding and managing family care, with 10.3 million families and 8.1

million caregivers across 16 countries, and approximately 800,000 employees of corporate clients having access to its services, which include childcare, senior care, pet care, and housekeeping. Care.com's Founder, Chairwoman, and CEO is an immigrant who was able to invest her U.S. education into the American economy. Nearly half of the workers in the domestic services sector are immigrants, many undocumented; Care.com believes that providing these workers with legal protections will provide these workers with basic workplace rights while increasing tax revenues and boosting wages and jobs both for immigrants and for native-born Americans.

- Civitas Learning, Inc. is a start-up company headquartered in Austin, Texas. Civitas Learning is dedicated to improving academic outcomes in higher education by bringing cross-institutional predictive analytics to learning. Civitas Learning joins this brief as *amicus curiae* because it supports consistent and predictable immigration policies, which helps foster academic and economic success.

- The Conti Group delivers infrastructure development and facilities across the United States and internationally. Founded in 1906, The Conti Group operates in the Energy, Environmental, Industrial and Infrastructure markets for the public and private sectors. A global developer and builder of capital asset projects, The Conti Group is highly dependent

upon having a diverse, mobile workforce in its offices and at the project sites for extended periods of time; it therefore relies on sound immigration practices to support its business growth.

- Cyber League Media ("CLM") is a media company headquartered in Brooklyn, New York, that develops platforms for sharing arts and ideas. Many of CLM's employees are immigrants and CLM seeks to continue to rely on talented immigrants to grow its company in the United States. Accordingly, CLM supports changes to U.S. immigration policies—including those at issue in this case.

- Cyclo Corp.'s restaurant, Pho Cyclo Café, has been serving Vietnamese food in Seattle, Washington, for 12 years. As an immigrant-owned business with roots in the community, Cyclo Corp. understands and has experienced the significant contribution that immigrants make socially and economically. The owners are committed to providing opportunities for immigrants and supporting economic growth.

- The Ethnic Business Coalition is a nonprofit organization that provides support and advocacy for immigrant- and minority-owned businesses in the Seattle, Washington area. By virtue of its mission, the organization is deeply familiar with the impact that a vibrant immigrant community can have in creating a diverse and thriving business community. The organization is committed to providing

opportunities for immigrants and supporting economic growth.

- Farmers Investment Co. ("FICO") is the largest integrated pecan grower and processor in the United States. Operating near the United States-Mexico border, FICO depends on a supply of qualified permanent and seasonal workers, as well as a flow of commerce between the United States, Mexico, and other countries. FICO employs second and third generation immigrants whose families are directly affected by immigration policies.

- Broetje Orchards, d.b.a. First Fruits, a Washington-based family-owned apple grower, is one of the largest privately owned apple orchards in the United States with more than 6,000 acres of apples and cherries, serviced by over 1,200 employees year-round (and thousands more seasonal employees). An industry leader for over 25 years, Broetje Orchards has supported reform of our existing immigration system for many years out of recognition of the business's needs for immigrants. Broetje Orchards experiences annual worker shortages that compromise its ability to successfully manage and harvest crops.

- Fueled Digital Media LLC ("Fueled"), founded in 2009, is a full-service digital design, development, branding and strategy agency dedicated to entrepreneurs that offers an

unparalleled suite of services for technology startups of all sizes. Current immigration enforcement policy has saddled Fueled with extraordinary hiring challenge, as candidates that meet just their technical requirements are few and far between. Fueled aims to bring all of its overseas staff—and thus their income and taxes—to the United States.

- HomeHero, Inc. is a privately-held California startup that helps families find, hire and manage affordable in-home care through an online marketplace of thousands of experienced caregivers. Many of the caregivers who work through HomeHero, Inc. come from diverse economic and cultural backgrounds. HomeHero, Inc. supports immigration enforcement policies that allow credentialed, certified workers—such as caregivers and home health aides—to obtain legal, working status the United States when demand is not sufficiently met by local naturalized or native-born citizens.

- HSTRY Ltd. is one of the leading education technology software providers in the United States, headquartered in Boston, Massachusetts. It provides an interactive platform for teachers and students to recreate historical events through interactive timelines.

- The Illinois Hispanic Chamber of Commerce ("IHCC") is a Chicago-based 501(c)(6) membership organization that serves the

Hispanic Business Community in Illinois. IHCC manages five technical assistance centers to assist its members' various business and corporate needs. Many IHCC members are entrepreneurs who are immigrants or are the children of parents that immigrated to the United States.

- Ivar's Inc., in operation since 1938, owns and operates restaurants across Washington state and sells its world famous chowders throughout the United States, Canada and Mexico. A quarter of Ivar's Inc.'s workforce has traditionally been composed of recent immigrants, and Ivar's subscribes to ICE's E-Verify program and checks the documentation of every applicant before hiring.

- Liberty Tax, Inc. is a Virginia-based parent company of franchisors of retail tax preparation businesses, and also provides online tax preparation and tax-related financial products. Many of Liberty Tax, Inc.'s franchised offices are located in territories that includes significant numbers of undocumented immigrants and their families. Its franchisees regularly work with clients who are interested in becoming part of the taxpaying economy.

- The Main Street Alliance ("MSA") formed in 2008 as a national network of state-based small business coalitions that works to elevate the voices of small business owners on important policy and legal issues that affect

their businesses, their employees, and the communities they serve. MSA's growing network includes small business coalitions in Oregon, Maine, Vermont, Washington, New Jersey, Maine, Iowa, Minnesota, New York, Ohio, Michigan, and Florida. MSA members believe that immigration reform will strengthen the local economy and boost consumer demand; they advocate for a policy that prioritizes family unity and stems the exploitive and economically damaging practices of unscrupulous employers toward unauthorized immigrants.

- Marek Brothers Systems, Inc., is a privately-held construction company in Texas that employs over 1,000 individuals. Founded in 1938, Marek Brothers Systems, Inc. now provides construction services to eight cities in Texas. Marek Brothers Systems, Inc. has advocated for changes to the United States' immigration enforcement policies because the company has faced labor shortages as it struggles to find workers to field full construction crews and to resist competitive disadvantages from peer construction firms who hire undocumented workers.

- MassChallenge, Inc., based in Boston, Massachusetts, is a nonprofit, no-equity startup accelerator that helps early-stage entrepreneurs succeed. Describing itself as "the most startup-friendly accelerator on the planet," MassChallenge helps entrepreneurs across all industries and rewards the highest-

impact startups with millions of dollars in equity-free cash awards. To date, the 835 MassChallenge alumni have raised over $1.1 billion in funding, generated $520 million in revenue and created 6,500 jobs. As part of a global network of accelerators which includes programs in London, Jerusalem, Geneva, and Mexico City, MassChallenge understands how imperative it is that entrepreneurs face low barriers when it comes to accessing robust innovation ecosystems like those in the United States, permitting skilled workers freedom to innovate and invent.

- The Merced County Hispanic Chamber of Commerce (the Hispanic Chamber), founded in Merced Country, California, in 1947, promotes Hispanic-owned small businesses and furthers the economic development of all Merced County businesses through advocacy, networking, marketing, educational or training opportunities and by creating valuable partnerships within the community. The Hispanic Chamber assists businesses in maximizing their marketing profile into a local economy. Sound immigration enforcement policy is important to the Hispanic Chamber because it recognizes the need for support to immigrants, who consistently contribute to the county's economic growth.

- Mitu Network, a digital media company, caters to Latino audiences by creating content across social platforms that are culturally

specific. Mitu is headquartered in California and has offices across Latin America—in Mexico City, Baja and Bogata Colombia. As a Latino-owned and run company with a Latino audience, Mitu believes sound immigration enforcement policy is necessary to ensure immigrants are treated in a way that is humane and just.

- SEOMoz, Inc., d.b.a. Moz, is a Washington-based software company that builds analytics tools for marketers, aimed at helping them manage and grow their online presence and visibility. Moz has over 22,000 customers worldwide to its Pro subscription service, and hosts the world's largest community of online digital marketers with over 800,000 members. Moz's emerging business unit, Moz Local, serves over 10,000 businesses. As a technology company, Moz has found that there is not enough technical talent nationally to meet its growing needs—making every technical hire a challenge. Moz believes that all people living in and contributing to our society should be treated with respect and dignity.

- Muddy Branch Veterinary Center is a full-service veterinary care facility located in Gaithersburg, Maryland. Muddy Branch Veterinary Center operates in Montgomery County, Maryland, where at least one-third of the population is foreign-born, and during its more than twenty years in business Muddy

Branch has employed a significant number of lawfully present immigrants.

- New Solutions Group, LLC ("NSG") has been serving customers in the economic development and planning industry since 2009. NSG clients include chambers of commerce, state economic development agencies, and a variety of non-profit organizations focused on urban regional development. NSG has developed expertise on a number of topics, including revitalizing cities, community development, school reform, and immigration economic development. In particular, NSG has conducted extensive research on the positive impacts of immigrants on Midwestern economies.

- The Nisei Farmers League is a non-profit California corporation that is a grower-driven organization dedicated to protecting the rights and livelihood of farmers and farmworkers. The Nisei Farmers League educates its members about labor, immigration, housing, transportation, water, regulations and farmworker safety and other issues impacting our industry. The Nisei Farmers League notes that this case will affect the lives of hundreds of thousands of individuals in the farming communities in which its members produce the nation's food; many of the League's members depend upon the critical skills and experience of employees legally in the United States whose spouses and children

may be adversely affected should the decision below be upheld.

- One, Inc. runs the After School App, the most popular social network for high school students. One, Inc. supports sound immigration enforcement policy because it is critical to the efforts of businesses like One to attract and retain employees and because the American teens who make up One's user base overwhelmingly support an immigration system that is both fair and compassionate.

- Polarr Company is a software development company in Silicon Valley, serving millions of users around the world. Immigrants have played key roles in Polarr Company's success, and adopting sound immigration policies will contribute to its continued success by allowing it to attract and retain talented employees from all over the world.

- Redfin Corporation is a technology-powered real estate brokerage located in Seattle, Washington. Redfin Corporation supports changes to current U.S. immigration policies because current policies have contributed to a labor shortage in new-home construction, resulting in historic inventory lows.

- Rhubarb Studios, located in Los Angeles, California, supports and assists technology startup companies. Rhubarb recognizes that employee talent is key to success for technology startup companies, and many of

the most talented employees are immigrants. Accordingly, Rhubarb supports the immigration enforcement policy changes at issue in this case.

- The San Antonio Hispanic Chamber of Commerce, founded in 1929, is America's first Hispanic business organization and the only five star accredited Hispanic Chamber in the United States by the U.S. Chamber of Commerce. The San Antonio Hispanic Chamber firmly believes that immigration enforcement policy is a determining factor in the United States' potential to grow its importing and exporting power with other nations and strongly advocates for immigration enforcement policies that allow for the U.S. workforce to be strong and grow at exponential rates.

- The Seattle Metropolitan Chamber of Commerce ("SMCC"), founded in 1882 to advocate for local businesses, is the largest and most diverse business association in the Puget Sound region. The SMCC supports a sound immigration enforcement policy that will strengthen the economy in the Puget Sound region and in Washington state.

- Small Business Majority is a national nonprofit network of over 45,000 small business owners and 2,000 business organizations that engages small business owners and policymakers in support of public policy solutions, and delivers information and

resources to entrepreneurs that promote small business growth and drive a strong, sustainable, job-creating economy. Small Business Majority recognizes that the United States' current immigration enforcement system is not working and supports changes to it that support an inclusive, equitable, and diverse economy.

- Strong Ventures, LLC is a seed venture capital fund that supports, mentors and finances startups in South Korea, and Korean and Asian-American entrepreneurs in the United States. Strong Ventures has offices in Los California and Seoul, South Korea. Strong Ventures relies heavily on immigrant entrepreneurs and foreign workers to come up with and execute the great business ideas that change the world and create more jobs.

- Tangelo, Inc. is an independent innovation lab that helps businesses launch products and execute digital transformations. Tangelo strongly believes that the successes of immigrants to the United States give hope to passionate young people around the world and that sound immigration enforcement policy is necessary to provide a roadmap those individuals can follow should they be inspired to pursue the American Dream.

- Taquería El Rincón Mexicano is a restaurant located in Grand Rapids, Michigan, that is dedicated to supporting sound immigration enforcement policy because it believes

uplifting its customers is a positive business practice.

- Tech Ranch, founded in 2008, is a community of entrepreneurs building businesses, with more than 5,500 entrepreneurs from twenty-eight countries participating in their programs over the past seven years. Tech Ranch believes that the immigration policies should not be sending foreign-born entrepreneurs away, but rather should encourage them to contribute their innovations to the U.S. economy.

- ThinkFoodGroup LLC develops, manages, and operates restaurants and Chef José Andrés's creative endeavors. Headquartered in Washington, D.C., ThinkFoodGroup operates restaurants in Washington, as well as Los Angeles, Miami, Las Vegas, Puerto Rico, and Mexico City. ThinkFoodGroup Co-Founder and Chairman Chef José Andrés knows that the restaurant industry employs immigrants to perform some of this country's most back-breaking, arduous work, and that sound immigration enforcement policy gives them, as well as the millions of undocumented immigrants already in the U.S., a chance to prove themselves worthy of citizenship, to continue contributing to the betterment of this land.

- ThoughtWorks, Inc., is a Chicago-based Delaware corporation with an office in Texas. ThoughtWorks builds custom software and

provides consulting services in technology strategy, data analysis, software development methodology, and organizational transformation. Founded in 1993, ThoughtWorks relies on a highly-skilled work force to operate and serve its clients. Accordingly, ThoughtWorks can only remain competitive if it is able to recruit the best talent, independently of country of origin, including undocumented youth educated in the United States and children of undocumented parents who might otherwise not realize their potential. ThoughtWorks operates in 12 countries and actively seeks candidates who can speak foreign languages to conduct business abroad.

- The United States Hispanic Chamber of Commerce ("USHCC"), founded in 1979, actively promotes the economic growth, development and interests of more than 4.1 million Hispanic-owned businesses, that combined, contribute over $661 billion to the American economy every year. It also advocates on behalf of 260 major American corporations and serves as the umbrella organization for more than 200 local chambers and business associations nationwide. USHCC believes that immigrants are critical contributors to the American economy—starting new businesses, creating jobs, spurring innovation, and providing the necessary skills for a 21st century economy.

- The Washington Growers League ("WGL") is a non-profit, voluntary membership trade association that has provided services and advocacy for its agricultural-employer members in the areas of labor and employment since 1987. Because most of the agricultural workforce is comprised of immigrants and foreign guest workers, WGL has seen how immigration enforcement policy directly affects the availability and quality of our workforce.

- Youthful LLC is an education technology company headquartered in New York that empowers the next generation with financial education and entrepreneurship training. Many participants in Youthful LLC's programming are undocumented youth, and Youthful LLC feels strongly that those young people should have the ability to stay in this country to pursue their dreams.

- Aditya Agarwal* is currently the Vice President of Engineering at Dropbox and was previously one of the first engineers at Facebook. Mr. Agarwal is a founding member of FWD.us, an organization started by key leaders in the tech community to promote policies to keep the United States and its citizens competitive in a global economy—including comprehensive immigration reform and education reform.

- Todd Connor* is the founder and CEO of Bunker Labs, the nation's largest military

veteran entrepreneur organization that works with over 150 military veterans to start and grow business after leaving the military. Mr. Connor believes that unsound immigration enforcement policy can make it onerous and expensive for business owners to hire the right people at the right time, can hurt small business and require them to take entire activities overseas in order to access the right talent.

- Ron Conway* has been a leading active angel investor for over fifteen years. Mr. Conway was included in 2010's Vanity Fair 100 most influential people in the Information Age. He was awarded Best Angel at The 2009 TechCrunch Crunchies Awards and was named #13 in Forbes Magazine Midas list of top "deal-makers" in 2011. Mr. Conway is an advocate for immigration reform and co-founder of FWD.us, which mobilizes the tech community to support policies that keep the American Dream achievable in the twenty-first century, starting with comprehensive immigration reform.

- Faquiry Diaz Cala,* President and CEO of the Tres Mares Group, has been a venture capital and private equity investor in the Latin American and United States regions for two decades. Mr. Diaz Cala arrived in the United States from Cuba as a teenager, attended high school in the United States and received his undergraduate degree from the Wharton School at the University of Pennsylvania. Mr.

Diaz Cala has had to send qualified, U.S. educated investment associates overseas after they interned at his firm and completed their OPT training period, and has seen the purchase of one of his portfolio companies fall through because the purchaser could not relocate the company's engineering team from Latin America to the United States. He is a major supporter of FWD.us, whose mission is to mobilize the tech community to support policies that keep the American Dream achievable in the 21st Century.

- Peter French,* an entrepreneur with a wealth of experience in real estate, manufacturing, economic development, and startups, currently serves as the Co-Founder of the San Antonio Entrepreneur Center and the President of the startup Rising Barn. Mr. French is also the founder of FreeFlow Research, a global innovation accelerator with the mission of removing barriers for foreign-born students, entrepreneurs, and investors. In this capacity, Mr. French has seen first-hand how unsound immigration policies can harm our country's economic growth.

- Don Graham* is the Chairman of Graham Holdings Company. Mr. Graham is firmly committed to supporting sound immigration enforcement policy.

- Noosheen Hashemi* is the co-founder and President of the HAND Foundation. She currently serves as an advisor and investor at

numerous companies, including Radius Technologies and Cloud Lending Solutions. Between 1985 and 1995, Ms. Hashemi held various management positions at Oracle Corporation where she took active part in software's meteoric rise as an industry. From 2006 to 2011, Ms. Hashemi co-founded and chaired PARSA Community Foundation, to encourage Iranian-American diaspora to give more and more strategically of their time and funds and to become more engaged American citizens. She currently serves on the Board of the Stanford Institute for Economic Policy Research, is a Harold Pratt Associate at the Council of Foreign Relations, a Board Member of Crisis Action and an Advisor to the Eurasia Foundation and Ploughshares Fund. She is a major supporter of FWD.us whose mission is to mobilize the tech community to support policies that keep the American Dream achievable in the 21st Century.

- Reid Hoffman* is the CEO of LinkedIn. Mr. Hoffman is firmly committed to supporting sound immigration enforcement policy.

- Hogan Lee* is the director of project management at Flipagram, an LA-based company that utilizes photos and videos to make compelling stories with free music. Previously, Mr. Lee served in senior project management roles at MTV, eHarmony, Edmunds.com and DirectTV. Mr. Lee's local tech company in Los Angeles is always looking for the best talent, but the best talent is

frequently difficult to employ because of constraints imposed by the present immigration system—a system which causes significant deleterious effects on some remarkable people.

- Max Levchin* is the founder and CEO of Affirm, chairman of Glow and HVF. Mr. Levchin was one of the original cofounders of PayPal, where he served as the CTO, and helped start Yelp, where he was Chairman of the Board from 2004 until 2015; he has also served on the boards of a number of public- and private-sector organizations, including Yahoo!. Born in Kiev to a Ukrainian Jewish family, Mr. Levchin moved to the United States under political asylum and is an original funder and advocate for FWD.us, a U.S. based immigration advocacy organization.

- Jason LeVecke* has been CEO of a restaurant franchise chain over the last 15 years that operates over 200 locations of different restaurants across eight states. Mr. LeVecke has long been a proponent of immigrants' rights, having shared experiences with and worked with immigrants in his current position and in the U.S. Marine Corps. Mr. LeVecke's company has expended substantial resources to comply with a strict immigration system in need of reform.

- Jeremy S. Levine* has been a venture capital investor at Bessemer Venture Partners

("Bessemer") for the past fifteen years, leading early stage investments in companies including LinkedIn, Pinterest and Yelp, among others. Bessemer and its portfolio companies have sponsored many immigrants on H1-B visas.

- Mark O'Neill,* currently CTO at Jackthreads, is a developer and engineering leader who has been active in the New York tech industry since 1999. Prior to working with Jackthreads Mr. O'Neill was CTO of Thrillist Media Group and saw that company grow from 12 to 300 employees and $100M in revenue. In his work building and running engineering teams, Mark has regularly engaged with the H1-B and Green card programs to meet staffing needs.

- Fred Schmidt* has been a leading entrepreneur in technology, creative industries and innovative retail for thirty years, and currently serves as Director of International Affairs at Capital Factory ("CF"), the largest incubator-accelerator-investment facility in Texas. Mr. Schmidt frequently deals with immigration issues for inbound entrepreneurs in connection with CF's soft-landing facility for global companies seeking to expand into the U.S. market.

- Rishi Shah* is an American entrepreneur, investor and philanthropist and is currently founder and CEO of ContextMedia, a company that serves actionable health information at

the point-of-care to more than 30 million consumers and healthcare providers each month. Ms. Shah has also invested in and advised dozens of high growth technology companies. As a CEO, board member or investor in many high growth companies, Ms. Shah has engaged with our existing immigration policy across many areas and found that change is required to maintain economic competitiveness, including expanding our available labor market and broadening the consumer market at large.

- Mark Zuckerberg* is founder and Chief Executive of Facebook and a founder of FWD.us, a bipartisan organization dedicated to passing immigration reform. That we are a nation that welcomes immigrants has always been an incredible source of strength, but today's immigration laws are broken and need fundamental reform. Central to the efforts of FWD.us is advocating for legal status for undocumented immigrants, so that DREAMers and so many others can achieve their full potential.

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* The business leaders who hereby appear as *amici* do so solely in their individual capacity and not on behalf of any business. Any references to specific businesses with which *amici* are or have previously been affiliated are included for identification purposes only.